

Message Text

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ACTION EB-07

INFO OCT-01 EUR-12 IO-13 ISO-00 AGR-05 CEA-01 CIAE-00

DODE-00 FRB-03 H-02 INR-07 INT-05 L-03 LAB-04 NSAE-00

NSC-05 PA-01 AID-05 CIEP-01 SS-15 STR-04 ITC-01

TRSE-00 USIA-06 PRS-01 SP-02 FEAE-00 OMB-01 OES-06

HEW-04 AF-08 ARA-06 EA-07 NEA-10 /146 W

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R 261652Z JUL 76

FM AMEMBASSY PARIS

TO SECSTATE WASHDC 3320

INFO USDOC WASHDC

USMISSION EC BRUSSELS

USDEL MTN GENEVA

LIMITED OFFICIAL USE SECTION 01 OF 02 PARIS 21719

COMMERCE FOR FIELD, BIC/OIM AND DAUMAN, BIEPR/OITP/IND

E.O. 11652: N/A

TAGS: ETRD, GATT, FR

SUBJECT: NEW FRENCH LABELLING LAW

REF: (A) PARIS A-173, APRIL 7, 1976, (B) PARIS A-95,
FEBRUARY 18, 1976

1. EMBOFFS MET WITH MICHEL BRUGUIERE OF COMMITTEE
FOR FRENCH LANGUAGE TO DISCUSS FRENCH LABELLING LAW
(MAKES USE OF FRENCH LANGUAGE MANDATORY ON LABELS,
PRESENTATION LEAFLETS, INSTRUCTION MANUALS, DESCRIPTIONS
OF CONTENTS, GUARANTEES AND ADVERTISING FOR PRODUCTS OR
SERVICES SOLD IN FRANCE AS OF JANUARY 1, 1977). BRUGUIERE
IS GOF ACTION OFFICER FOR DRAFTING OF INSTRUCTIONS CONCERNING
APPLICATION OF LAW (CIRCULAIRE D'APPLICATION). INSTRUCTIONS
WILL BE PUBLISHED IN LIMITED OFFICIAL USE

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NOVEMBER AND BRUGUIERE'S COMMENTS ON THEIR THRUST

REPRESENT HIS PRESENT THINKING; FINAL INSTRUCTIONS
MUST HAVE APPROVAL OF HIGHER GOF LEVELS AND MAY BE
MODIFIED DURING CLEARANCE PROCESS.

2. BRUGUIERE STATED THAT INTER-MINISTERIAL GROUP MET
RECENTLY TO CONSIDER WHETHER ANY INTERNATIONAL AGREE-
MENTS, E.G. GATT, TREATY OF ROME, TO WHICH FRANCE IS
A PARTY, PRECLUDE GENERAL OR SPECIFIC APPLICATION OF
PROVISIONS OF THE LAW. HE REPORTED THAT THE COMMITTEE
HAD FOUND THE LAW NOT IN CONFLICT WITH EXISTING
TREATIES.

3. BRUGUIERE STRESSED THAT THE OBJECTIVE OF THE LAW
IS NOT TO IMPOSE A NON-TARIFF BARRIER BUT RATHER TO
PROTECT THE CONSUMER. HE BUTTRESSED THIS POSITION BY
NOTING THAT THE LAW WILL BE ADMINISTERED BY THE SERVICE
FOR THE REPRESSION OF FRAUD IN THE MINISTRY OF ECONOMY
AND FINANCE AND NOT BY FRENCH CUSTOMS. FURTHERMORE,
THE BURDEN OF COMPLIANCE IS ON THE FRENCH IMPORTER AND
NOT ON THE EXPORTER. REGARDING ENFORCEMENT, HE STATED
THAT INDIVIDUAL FRENCH CONSUMERS CAN NOTIFY THE SERVICE
OF FRAUD OF INFRACTIONS OR AGENTS OF THE SERVICE OF
FRAUD CAN, DURING INSPECTIONS OF RETAIL ESTABLISHMENTS,
IMPOSE FINES ON NON-CONFORMING MERCHANTS. THE INSTRU-
CTIONS WILL CONTAIN A DEROGATION OF ONE YEAR FOR ITEMS
WHICH ARE IN STOCK OR PACKAGING MATERIAL ALREADY
MANUFACTURED AS OF JANUARY 1, 1977.

4. EMBOFFS QUERIED WHETHER LAW WOULD APPLY ACROSS THE
BOARD TO ALL PRODUCTS, I.E. FROM CONSUMER GOODS TO
SINGLE-ORDER, HIGH TECHNOLOGY ITEMS. BRUGUIERE REPLIED
THAT A DISTINCTION WOULD BE MADE BETWEEN CONSUMER AND
CAPITAL EQUIPMENT GOODS:

A. REGARDING CONSUMER GOODS, THE LAW WILL BE STRICTLY
APPLIED; ADVERTISING, OPERATING INSTRUCTIONS, WARRANTIES,
ETC. MUST BE IN FRENCH. IN ADDITION, WORDS ON THE

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ARTICLE ITSELF, E.G. "ON/OFF" SWITCH ON A STEREO, "FILTER KING" ON A CIGARETTE PACKAGE, MUST BE IN FRENCH. HOWEVER, HE STRESSED ANEW THAT IT IS THE IMPORTER'S RESPONSIBILITY TO ENSURE CONFORMITY WITH THE LAW, E.G. THE FRENCH WORDS FOR "ON/OFF" COULD BE TAPED OVER THE FOREIGN WORDS. AS FOR WIDELY USED ITEMS IN THE BUSINESS AND SERVICES SECTOR, E.G. PHOTOCOPIERS, TYPEWRITERS, THEY WILL BE TREATED IN THE SAME MANNER AS CONSUMER GOODS.

B. REGARDING CAPITAL EQUIPMENT GOODS AND HIGH TECHNOLOGY ITEMS, THE INSTRUCTIONS TO THE SERVICE OF FRAUD WILL BE MORE LENIENT. CONTROL PANELS IN A FOREIGN LANGUAGE WILL BE PERMITTED; THE PURCHASER MUST PLACE APPROPRIATE FRENCH WORDING THEREON. TECHNICAL LITERATURE SUCH AS BROCHURES, OPERATING INSTRUCTIONS, CARE LIMITED OFFICIAL USE

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AND MAINTENANCE INSTRUCTIONS, CAN RPT CAN BE IN A FOREIGN LANGUAGE; IT IS THE PURCHASER'S RESPONSIBILITY TO ASSURE THAT THE OPERATORS AND REPAIRMEN ARE ABLE TO CARRY OUT THEIR TASKS.

6. COMMENT. THERE WILL BE MANY GRAY AREAS IN THE LAW'S APPLICATION AND DISPUTES WILL HAVE TO BE SETTLED ON A CASE BY CASE BASIS. (NOT SURPRISINGLY, OTHER EMBASSIES - U.K., JAPAN, GERMANY, DENMARK - HAVE ALSO QUERIED BRUGUIERE REGARDING THE LAW'S

APPLICATION.) BRUGUIERE TOOK NOTE OF OUR QUESTIONS
AND COMMENTS, ASSURED US THAT HE WOULD TAKE THEM INTO
CONSIDERATION, AND INVITED US TO SEND TO HIM ANY
ADDITIONAL QUESTIONS WE MIGHT HAVE. THUS, ADDRESSEES
ARE INVITED TO FORWARD TO THE EMBASSY QUESTIONS CONCERN-
ING POTENTIAL PROBLEM AREAS SO THAT WE MAY RAISE SAME
WITH BRUGUIERE BEFORE INSTRUCTIONS ARE FORMALLY CIRCULATED.
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